

Fluor Fernald, Inc.
P.O. Box 538704
Cincinnati, OH 45253-8704

006235

FLUOR

October 26, 2006

Fernald Closure Project
Letter No. C:BSOP(CA/PC):2006-0069

Mr. Timothy L. Jones, Contracting Officer
U. S. Department of Energy
EM Consolidated Business Center
250 East Fifth Street, Suite 500
Cincinnati, Ohio 45202

Dear Mr. Jones:

**CONTRACT DE-AC24-01OH20115, SUBMISSION OF THE FINAL REMEDIAL ACTION
REPORT FOR OPERABLE UNIT 3**

- Reference:
1. Fluor Fernald, Inc. Letter No. C:BSOP(CA/PC):2005-0024, D. Sizemore to R. Holland, "Submission of the Draft Final Remedial Action Report For Operable Unit 3," dated March 23, 2005
 2. Fact Sheet, "Development of CERCLA Remedial Action Closeout Reports for the Fernald Closure Project," dated April 2005
 3. DOE Letter OH-0100-05, R. Holland to D. Sizemore, "Department of Energy and the United States Environmental Protection Agency Comments Pertaining to the Fluor Fernald, Inc. Submission, Operable Unit 2 Final Remedial Action Report," dated December 15, 2004
 4. USEPA Letter, J. Saric to J. Reising, "Closure Report Strategy," dated January 15, 2004
 5. DOE Letter DOE-0013-04, G. Griffiths to J. Saric, "Request for Concurrence with Fernald Closure Project Strategy for Submitting Final and Interim Remedial Action Reports," dated October 16, 2003

The enclosed *Final Remedial Action Report For Operable Unit 3* (Final Remedial Action Report for OU3) is submitted for your review and acceptance pursuant to Contract Section C.1.2 End State, fourth bullet. In addition, with the submission of this report, Fluor Fernald, Inc. (Fluor Fernald) declares in accordance with Section C.1.4 of the Comprehensive Exit/Transition Plan (CE/TP) that the Final Remedial Action Report for OU3 is complete.

Mr. Timothy L. Jones, Contracting Officer
Letter No. C:BSOP(CA/PC):2006-0069
Page 2

To date, significant effort has been expended to establish the content, scope, and level of detail for all the Interim and Final Remedial Action Reports required by Contract Section C.1.2. The content of the Final Remedial Action Report for OU3 has been developed consistent with the United States Environmental Protection Agency (USEPA) Office of Solid Waste and Emergency Response (OSWER) Directive No. 9320.2-09A-P, "Closeout Procedures for National Priorities List Sites (January 2000)." Fluor Fernald and DOE proposed this directive to be the basis of all the remedial action reports to be prepared (Reference 5). USEPA agreed with this proposal (Reference 4).

The scope of this Final Remedial Action Report for OU3 is consistent with the April 2005 Fact Sheet (Reference 2). This fact sheet was developed to align the various remedial action reports with the actual fieldwork being completed. This Fact Sheet was developed in consultation with key stakeholders including USEPA, Ohio EPA, and the Fernald Citizens Advisory Board.

The level of detail of this Final Remedial Action Report for OU3 is consistent with USEPA's expectations. USEPA confirmed the level of detail expected in these remedial action reports subsequent to their review of the Revised Operable Unit 2 Final Remedial Action Report (Reference 3).

In addition to successfully establishing the content, scope, and level of detail of these reports with USEPA, Fluor Fernald prepared drafts of all of these reports (except the remedial action report for OU4) for DOE review and comment. The references for these draft reports are listed below.

- Submission of the Draft Final Remedial Action report for Operable Unit 1 – Waste Pits Remedial Action (Letter C:BSOP(CA/PC):2005-0023, dated March 21, 2005)
- Submission of the Operable Unit 2 Final Remedial Action Report (Letter C:BSOP(CA/PC):2004-0067, dated October 21, 2004)
- Submission of the Revised Operable Unit 2 Final Remedial Action Report (Letter C:BSOP(CA/PC):2005-0006, dated January 24, 2005)
- Submission of the Draft Final Remedial Action Report for Operable Unit 3 (Letter C:BSOP(CA/PC):2005-0024, dated March 23, 2005)
- Submission of the Draft Interim Remedial Action Report for Operable Unit 5 (Section 1) – On-Site Disposal Facility (Letter C:BSOP(CA/PC):2005-0009, dated January 31, 2005)
- Submission of the Draft Interim remedial Action Report for Operable Unit 5 (Section 3) – Aquifer Restoration (Letter C:BSOP(CA/PC):2005-0017, dated March 10, 2005)
- Submission of the Draft Interim Remedial Action Report for Operable Unit 5 (Section 2) – Sitewide Soil and Sediment (Letter C:BSOP(CA/PC):2005-0018, dated March 14, 2005)

DOE provided the reports for Operable Unit 2, Operable Unit 3 and the three sections of the Operable Unit 5 to the agencies for review. All comments received from the informal review of these reports that had a direct bearing on the scope, content, or level of detail related to the preparation of the Final and Interim Remedial Action Reports were incorporated, where appropriate, into the Final Remedial Action Report for OU 3. A

comment response document is enclosed identifying Fluor Fernald's responses to the global comments received.

Contract Section C.1.2, fourth bullet, first sentence, requires that "All documentation required by the site RODs shall be submitted to and accepted by the Department of Energy for submission to the cognizant regulatory agencies". Agency approval of these documents is specifically excluded from the language of the contract. However, it is important to note that the Final Remedial Action Reports for OU1, OU2, and OU4 have indeed been submitted to the agencies and approved by USEPA. This provides DOE with additional assurances that the Final Remedial Action Report for OU3 will meet with agency approval.

Therefore, given the efforts to define and successfully secure USEPA concurrence as to the content, scope, and level of detail of these remedial action reports, the preparation of drafts of several of these reports for DOE review far in advance of Fluor Fernald's final submission, the conduct of an informal agency review of the drafts prepared by Fluor Fernald, and the actual approval of the OU1, OU2 and OU4 Final Remedial Action Reports, the appropriate basis for DOE acceptance of the *Final Remedial Action Report for OU 3* as complete has been established. Fluor Fernald will assist in addressing any comments received from the regulatory agencies.

In accordance with Section J, Attachment 12 of the subject contract, Fluor Fernald considers the *Final Remedial Action Report for Operable Unit 3* to be "site closure documentation." Accordingly, Fluor Fernald requests that DOE provide acceptance within 20 business days of receipt.

If you have any questions regarding this matter, please call me at (513) 648-3358.

Sincerely,


Dennis Sizemore, Manager
Prime Contract

DS:FLJ:jmb

Enclosures (2)

Mr. Timothy L. Jones, Contracting Officer
Letter No. C:BSOP(CA/PC):2006-0069
Page 4

c: With Enclosures:

Mark Albertin, (Electronic Copy)
Johnny W. Reising, DOE-OH/FCP (Two Copies)
Tammy L. Terry, (Electronic Copy)
File Record Subject: Final Remedial Action Report for Operable Unit 3
Administrative Record, MS 6

Without Enclosures:

John S. Brown, DOE/EMCBC
Angela Cooney, DOE/EMCBC
Paul E. Mohr, MS 1
Cornelius M. Murphy, MS 1
Letter Log Copy, MS 1